



1 message through the online dating service to or  
2 from the banned member.

3 (B) A statement that the banned member  
4 may have been using a false identity or at-  
5 tempting to defraud members.

6 (C) A statement that a member should not  
7 send money or personal financial information to  
8 another member.

9 (D) An online link to information regard-  
10 ing ways to avoid online fraud or being de-  
11 frauded by a member of an online dating serv-  
12 ice.

13 (E) Contact information to reach the cus-  
14 tomer service department of the online dating  
15 service provider.

16 (3) MANNER AND TIMING.—

17 (A) MANNER.—A fraud ban notification  
18 under paragraph (1) shall be—

- 19 (i) clear and conspicuous; and  
20 (ii) provided by email, text message,  
21 or other appropriate means of communica-  
22 tion consented to by the member.

23 (B) TIMING.—

- 24 (i) IN GENERAL.—Except as provided  
25 in clauses (ii) and (iii), an online dating

1 service provider shall provide a fraud ban  
2 notification under paragraph (1) not later  
3 than 24 hours after the fraud ban is initi-  
4 ated against the banned member.

5 (ii) DELAY BASED ON JUDGMENT OF  
6 PROVIDER.—If, in the judgment of the on-  
7 line dating service provider, the cir-  
8 cumstances require a fraud ban notifica-  
9 tion under paragraph (1) to be provided  
10 after the 24-hour period described in  
11 clause (i), the online dating service pro-  
12 vider shall, except as provided in clause  
13 (iii), provide the notification not later than  
14 3 days after the day on which the fraud  
15 ban is initiated against the banned mem-  
16 ber.

17 (iii) DELAY UPON REQUEST OF LAW  
18 ENFORCEMENT OFFICIAL.—If, due to an  
19 ongoing investigation, a law enforcement  
20 official requests an online dating service  
21 provider to delay providing a fraud ban no-  
22 tification under paragraph (1) beyond the  
23 time when the notification is required to be  
24 provided under clause (i) or (ii), the online  
25 dating service provider—

1 (I) may not provide the notifica-  
2 tion before the end of the period of  
3 delay (including any extension of such  
4 period) requested by the law enforce-  
5 ment official; and

6 (II) shall provide the notification  
7 not later than 3 days after the last  
8 day of the period of delay (including  
9 any extension of such period) re-  
10 quested by the law enforcement offi-  
11 cial.

12 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
13 SION.—

14 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
15 TICES.—A violation of this section shall be treated  
16 as a violation of a regulation under section  
17 18(a)(1)(B) of the Federal Trade Commission Act  
18 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-  
19 tive acts or practices.

20 (2) POWERS OF COMMISSION.—The Commis-  
21 sion shall enforce this section in the same manner,  
22 by the same means, and with the same jurisdiction,  
23 powers, and duties as though all applicable terms  
24 and provisions of the Federal Trade Commission Act  
25 (15 U.S.C. 41 et seq.) were incorporated into and

1       made a part of this section, and any person who vio-  
2       lates this section shall be subject to the penalties  
3       and entitled to the privileges and immunities pro-  
4       vided in the Federal Trade Commission Act.

5           (3) RULE OF CONSTRUCTION.—Nothing in this  
6       section may be construed to limit the authority of  
7       the Commission under any other provision of law.

8       (c) ACTIONS BY STATES.—

9           (1) IN GENERAL.—In any case in which the at-  
10      torney general of a State, or an official or agency of  
11      a State, has reason to believe that an interest of the  
12      residents of such State has been or is threatened or  
13      adversely affected by an act or practice in violation  
14      of this section, the State, as *parens patriae*, may  
15      bring a civil action on behalf of the residents of the  
16      State in an appropriate district court of the United  
17      States to obtain appropriate relief.

18          (2) NOTICE.—Before filing an action under this  
19      subsection, the attorney general, official, or agency  
20      of the State involved shall provide to the Commis-  
21      sion a written notice of such action and a copy of  
22      the complaint for such action. If the attorney gen-  
23      eral, official, or agency determines that it is not fea-  
24      sible to provide the notice described in this para-  
25      graph before the filing of the action, the attorney

1       general, official, or agency shall provide written no-  
2       tice of the action and a copy of the complaint to the  
3       Commission immediately upon the filing of the ac-  
4       tion.

5           (3) AUTHORITY OF FEDERAL TRADE COMMIS-  
6       SION.—

7           (A) IN GENERAL.—On receiving notice  
8       under paragraph (2) of an action under this  
9       subsection, the Commission shall have the  
10      right—

11           (i) to intervene in the action;

12           (ii) upon so intervening, to be heard  
13      on all matters arising therein; and

14           (iii) to file petitions for appeal.

15           (B) LIMITATION ON STATE ACTION WHILE  
16      FEDERAL ACTION IS PENDING.—If the Commis-  
17      sion or the Attorney General of the United  
18      States has instituted a civil action for violation  
19      of this section (referred to in this subparagraph  
20      as the “Federal action”), no State attorney  
21      general, official, or agency may bring an action  
22      under this subsection during the pendency of  
23      the Federal action against any defendant  
24      named in the complaint in the Federal action

1           for any violation of this section alleged in such  
2           complaint.

3           (4) RULE OF CONSTRUCTION.—For purposes of  
4           bringing a civil action under this subsection, nothing  
5           in this section may be construed to prevent an attor-  
6           ney general, official, or agency of a State from exer-  
7           cising the powers conferred on the attorney general,  
8           official, or agency by the laws of such State to con-  
9           duct investigations, administer oaths and affirma-  
10          tions, or compel the attendance of witnesses or the  
11          production of documentary and other evidence.

12          (d) ONE NATIONAL STANDARD.—

13           (1) IN GENERAL.—A State, or political subdivi-  
14          sion of a State, may not maintain, enforce, pre-  
15          scribe, or continue in effect any law, rule, regulation,  
16          requirement, standard, or other provision having the  
17          force and effect of law of the State, or political sub-  
18          division of the State, that requires an online dating  
19          service provider to notify, prohibits an online dating  
20          service provider from notifying, or otherwise affects  
21          the manner in which an online dating service pro-  
22          vider is required or permitted to notify, a member  
23          of the online dating service that the member has re-  
24          ceived a message from or sent a message to a  
25          banned member through the online dating service.

1           (2) RULE OF CONSTRUCTION.—This subsection  
2           may not be construed to preempt any law of a State  
3           or political subdivision of a State relating to con-  
4           tracts or torts.

5           (e) DEFINITIONS.—In this section:

6           (1) BANNED MEMBER.—The term “banned  
7           member” means a member of an online dating serv-  
8           ice whose account or profile on the online dating  
9           service is the subject of a fraud ban.

10          (2) COMMISSION.—The term “Commission”  
11          means the Federal Trade Commission.

12          (3) FRAUD BAN.—The term “fraud ban” means  
13          the termination or suspension of the account or pro-  
14          file of a member of an online dating service because,  
15          in the judgment of the online dating service pro-  
16          vider, there is a significant risk the member will at-  
17          tempt to obtain money from another member  
18          through fraudulent means.

19          (4) MEMBER.—The term “member” means an  
20          individual who—

21                 (A) submits to an online dating service  
22                 provider the information required by the pro-  
23                 vider to establish an account or profile on the  
24                 online dating service; and

1 (B) is allowed by the provider to establish  
2 such an account or profile.

3 (5) ONLINE DATING SERVICE.—The term “on-  
4 line dating service” means a service that—

5 (A) is provided through a website or a mo-  
6 bile application; and

7 (B) offers members access to dating or ro-  
8 mantic relationships with other members by ar-  
9 ranging or facilitating the social introduction of  
10 members.

11 (6) ONLINE DATING SERVICE PROVIDER.—The  
12 term “online dating service provider” means a per-  
13 son engaged in the business of offering an online  
14 dating service.

15 (7) STATE.—The term “State” means each  
16 State of the United States, the District of Columbia,  
17 each commonwealth, territory, or possession of the  
18 United States, and each federally recognized Indian  
19 Tribe.

20 (f) EFFECTIVE DATE.—This section shall take effect  
21 on the date that is 1 year after the date of the enactment  
22 of this Act.

